



ARIZONA HOUSE OF REPRESENTATIVES

SB 1157: competency hearings; jurisdiction; referral

PRIME SPONSOR: Senator Borrelli, LD 5

BILL STATUS: [Chaptered](#)

Legend:

PJ – presiding superior court judge

JP – justice of the peace

Amendments – **BOLD** and ~~Stricken~~ (Committee)

Abstract

Relating to competency hearings in misdemeanor cases.

Provisions

- 1) Allows the PJ in each county to authorize a JP or municipal court to exercise jurisdiction over a competency hearing.
 - a) Applies to misdemeanor cases arising out of the JP or municipal court. (Sec 1)
- 2) Allows a JP or municipal court judge to refer a competency hearing to another JP or municipal court.
 - a) Requires the approval of the PJ and the JP or municipal judge of the receiving court.
 - b) The receiving court must be in the same county. (Sec 1)
- 3) Makes a conforming change. (Sec 1)

Current Law

A.R.S. Title 13, Chapter 41 governs the process for determining if a defendant is competent to stand trial. [A.R.S. 13-4501\(2\)](#) states that *incompetent to stand trial* means that as a result of mental illness, defect or disability, a defendant is unable to understand the nature and object of the proceeding or to assist in the defense. The presence of a mental illness, defect or disability alone is not grounds for finding a defendant incompetent to stand trial.

A person cannot be tried, convicted, sentenced or punished for an offense if the court determines that the person is incompetent to stand trial [\(A.R.S. § 13-4502\)](#). At any time after charges are filed, any party or the court can request to have the defendant examined to determine competency. Once the court determines that reasonable ground exist for further competency proceedings, the superior court has exclusive jurisdiction over all competency hearings. If a person has previously been adjudicated incompetent to stand trial, the court may hold a hearing to dismiss any misdemeanor charges with notice to the prosecutor and defendant (prosecutor must provide notice to the victim) [\(A.R.S. § 13-4503\)](#). If charges are dismissed, the court may order the prosecutor to initiate civil commitment or guardianship proceedings [\(A.R.S. § 13-4504\)](#).

The competency process is further outlined in Supreme Court Criminal [Rule 11](#).

Additional Information

In November 2015, the Arizona Supreme Court issued an Administrative Order [\(2015-92\)](#) authorizing a pilot project in the Maricopa County Superior Court to allow the Glendale City Court and Mesa Municipal Court to conduct [Rule 11](#) competency proceedings. The proceedings must originate in those specific courts and are subject to the policies, practices and procedures established by the Maricopa PJ. The pilot project is authorized for up to two years.

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note